

REMARKS

Claims 1-16 are pending in this application. Claims 17-26 have been cancelled. Claims 1 and 12 have been amended. No new matter has been incorporated as a result of these amendments.

Rejections under 35 U.S.C. § 102

Claims 1-3, 6, and 9-16 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent 4,323,813 to Vieland et al. ("Vieland"). Applicants respectfully request reconsideration of this rejection in light of the arguments presented below.

Claim 1 has been amended to include the feature of the cover being moveable in a plane substantially orthogonal to a path followed by the electron. Support for this amendment is found in Figures 4, 6, 11, and 12 and corresponding text in the specification. Vieland requires that the spring 60 urge electrode plates 50 and the resistive blocks 54 into good electrical contact in the direction of the electron path. Vieland cannot move the electrode plates in a substantially orthogonal manner as the plates would become out of alignment and not allow electrons to pass. Applicants respectfully submit that claim 1, as amended, is not anticipated by Vieland. Claims 2-3, 6, and 9-11 depend from claim 1 and are not anticipated by Vieland for at least these reasons.

Claim 12 has been amended to include the feature that the spring is configured to move the cover in a plane substantially orthogonal to an electron path defined through the cap aperture. As stated above, Vieland fails to disclose or teach this feature. Accordingly, Applicants submit that claim 12, as amended, is not anticipated by Vieland. Claims 13-16 depend from claim 12 and are not anticipated by Vieland for at least the same reasons.

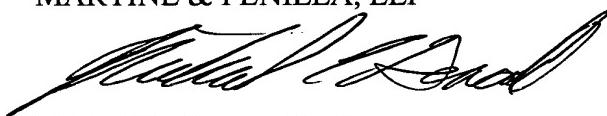
**Application No. 09/683,683
Amendment dated July 28, 2004
Response to Office Action mailed January 28, 2004**

Rejections under 35 U.S.C. § 103

US patent 5, 075,588 to Hunter and US Patent 4,451,242 to Miyazawa et al. do nothing to cure the deficiencies of Vieland. Furthermore, as stated above, Vieland cannot be modified to have the electrode plates move in a direction orthogonal to the electron path. Thus, Applicants respectfully request removal of the rejections under 35 USC § 103. In addition, the Applicants traverse the Examiner's assertion that Hunter discloses the features of claim 7. The Applicants respectfully request that the Examiner point out where Hunter discloses the feature that the spring releases when a sufficient amount of electricity passes through the material, as the Applicants submit that Hunter is silent as to this feature.

Applicants respectfully request a Notice of Allowance based on the foregoing remarks. If the Examiner has any questions concerning the present amendment, the Examiner is kindly requested to contact the undersigned at (408) 749-6900x 6921. If any other fees are due in connection with filing this amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. ALTEP059). A copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
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